

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1378

Introduced by Assembly Member Lieber

February 22, 2005

An act to add *and repeal* Section 854.1 ~~to~~ of the Government Code, and to add ~~Section 4474.2 to and repeal Sections 4474.2 and 4474.3~~ of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1378, as amended, Lieber. Developmental services facilities.

~~Existing~~

(1) Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services. Existing law requires the department to develop a plan for the proposed closure of any developmental center.

This bill would authorize the department to operate any facility ~~or~~, provide employees to assist in the operation of any facility ~~or to assist in meeting the goal of providing services and supports to persons with developmental disabilities~~, *provide other necessary services and supports, or contract with any entity for the use of the department's employees to provide services in furtherance of an orderly closure of Agnews Developmental Center.*

~~Existing~~

(2) *Existing law sets forth the rules relating to the liability of government agencies for tort injury caused by the action or omission of its officers or employees, including, but not limited to, the operation of mental institutions or medical facilities.*

This bill would define “mental institution” or “medical facility” for this purpose to also include a developmental services facility, as defined.

(3) Existing law prohibits a retired, dismissed, separated, or formerly employed person of any state agency or department employed under the state civil service or otherwise appointed to serve in state government, within 2 years of the date the person left state employment, from entering into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decisionmaking process relevant to the contract while employed in any capacity by any state agency or department. For a period of 12 months following the date of his or her retirement, dismissal, or separation from state service, existing law prohibits a person employed under state civil service or otherwise appointed to serve in state government from entering into a contract with any state agency if he or she was employed by that state agency in a policymaking position in the same general subject area as the proposed contract within the 12-month period prior to his or her retirement, dismissal, or separation.

This bill would make these provisions inapplicable to any person who, in connection with the closure of Agnews Developmental Center, provides developmental services.

(4) This bill would provide that its provisions shall remain in effect only until July 1, 2009, and as of that date would be repealed, unless a later enacted statute, that is enacted before July 1, 2009, deletes or extends that date.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 854.1 is added to the Government
- 2 Code, to read:
- 3 854.1. (a) As used in this chapter, the terms “mental
- 4 institution” or “medical facility” also include a developmental
- 5 services facility. For the purposes of this chapter “developmental

services facility” means any facility or place where a public employee performs his or her duties related to the provision of ~~provides~~ developmental services relating to the closure of Agnews Developmental Center.

(b) This section shall remain in effect only until July 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2009, deletes or extends that date. Notwithstanding the repeal of this section, acts occurring on and before June 30, 2009, shall be treated as though this section had not been repealed.

SEC. 2. Section 4474.2 is added to the Welfare and Institutions Code, to read:

4474.2. (a) ~~Notwithstanding any provision of law to the contrary, and subject to the limits set forth in the closure plan for Agnews Developmental Center submitted to the Legislature pursuant to Section 4474.1, the department may operate any facility or, provide its employees to assist in the operation of any facility, or provide other necessary services and supports if in the discretion of the department it determines that the activity will assist in meeting the goal of providing services and supports to persons with developmental disabilities as necessary to an orderly closure of the developmental center and transition of its residents. The activity may include, but need not be limited to, entering into a contract for the use of departmental employees to provide direct services at any point in the continuum of services in which they will best serve that goal.~~ *will assist in meeting the goal of an orderly closure of Agnews Developmental Center. The department may contract with any entity for the use of the department’s employees to provide services in furtherance of an orderly closure of Agnews Developmental Center.*

(b) This section shall remain in effect only until July 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2009, deletes or extends that date.

SEC. 3. Section 4474.3 is added to the Welfare and Institutions Code, to read:

4474.3. (a) *The provisions of Section 10411 of the Public Contract Code shall not apply to any person who, in connection with the closure of Agnews Developmental Center, provides developmental services.*

1 ***(b) This section shall remain in effect only until July 1, 2009,***
2 ***and as of that date is repealed, unless a later enacted statute,***
3 ***that is enacted before July 1, 2009, deletes or extends that date.***

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